

In re: Oh *et al.*
Serial No.: 10/823,221
Filed: April 13, 2004
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REMARKS

Applicants provide the present Amendment responsive to the Election/Restriction (hereinafter "Office Action") mailed March 10, 2005. The Office Action states that "the application contains claims directed to the following patentably distinct species of the claimed invention: Species (pages 2-4 of the specification). See Office Action, page 2, paragraph 1. As a preliminary note, Applicants would like to point out that the processing steps illustrated in Figures 3 through 10 of the present application are intended to illustrate methods that may be used to fabricate the device illustrated in Figure 2. As is clear, the device illustrated in Figure 10 is an intermediate form of the device illustrated in Figure 2, *i.e.* the device in Figure 10 lacks the adhesion layer 136, the second adhesion layer 138 and the metal contact plug 140.

According to the M.P.E.P., an election of species requirement should:

(B) Clearly identify each (or in aggravated cases at least exemplary ones) of the disclosed species, *to which claims are restricted*. **The species are preferably identified as the species of figures 1, 2, and 3 or the species of examples I, II, and III, respectively.** In the absence of distinct figures or examples to identify the several species, the mechanical means, the particular material, or other distinguishing characteristic of the species should be stated for each species identified. If the species *cannot be conveniently identified*, the claims may be grouped in accordance with the species to which they are restricted.

See M.P.E.P. § 809.02(a)(B)(emphasis added). Thus, in accordance with the preferred method of identifying species in an application, Applicants hereby elect the species of Figure 2. Applicants submit that Claims 9-27 read on the species of Figure 2 and, therefore, respectfully request favorable examination and allowance of Claims 9-27.

Furthermore, Applicants' undersigned representative apologizes that the Examiner was unable to contact her on March 7, 2005, however, Applicants' representative did not receive a telephone call from the Examiner. Applicants do thank the Examiner for participating in a teleconference with the undersigned representative on April 7, 2005. Furthermore, Applicants have canceled Claim 28 from the present application, as it was inadvertently not canceled responsive to the previous Restriction Requirement mailed November 12, 2005.

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Respectfully submitted,

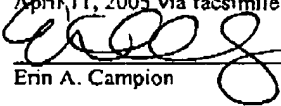


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I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office on April 11, 2005 via facsimile number 703-872-9306.


Erin A. Campion